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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : LaRosa
Serial No. : 10/656,805
Filed : September 5, 2003
Title : ANTI-CCR2 ANTIBODIES AND METHODS OF USE THEREFOR

Art. Unit : 1644
Examiner : Patrick Nolan

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Responsive to the action mailed January 12, 2006, applicant elects the invention of Group II drawn to the embodiment of in vitro detection of CCR-2. The election is made with traverse.

Specifically, the Examiner asserts that

Inventions III and I or II are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product claimed can be practiced with a materially different product or (2) the product as claimed can be used in a materially different process of using the product ... In the instant case the kit can be used in either the in vivo or in vitro detection method.

Applicants respectfully traverse this rejection. The Examiner has not provided any reason why a search of the detection methods of Group I and Group II would place undue burden on the Patent Office. In particular, Applicants submit that claim 1 is a linking claim directed to methods of detection using an anti-CCR2 antibody having specific properties. This claim encompasses both in vivo and in vitro detection. Thus, the claimed methods utilize the same structure (i.e., the anti-CCR2 antibody having specified properties) for the same function (i.e., to

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